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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,316	08/01/2003	Sujal B. Shah	706211US1	3699

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DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION  
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EXAMINER
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DINH, TAN X

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/632,316

**Applicant(s)**

SHAH ET AL.

**Examiner**

TAN X. DINH

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
- 7) ☒ Claim(s) 4 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2627

1) The amendment filed 8/17/2006 is acknowledged.

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4) Claims 1-3 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEE (US 5,974,008) and DEBIQUE et al (US 2002/0184180 A1).

LEE discloses a method for remembering a last-played position of a recording medium as claimed in claim 1, comprising the step of

reading an identification number from a medium in a player ( Fig.2, Disk Information Reading Unit 25, figure 3, Disk ID #1 to Disk ID #N ), determining a last-play position of said medium ( Fig.3, Play Position # 1 to Play Position # N ), storing identification number and last-play position in a player memory ( Fig.2, Disk Information Storage Unit 24 ) and rereading identification number after re-insertion of medium into player and resuming play at last-play position when identification number corresponds with identification number previously stored in player memory ( Fig.3, The player remember the play position #1 to #N of Disk ID #1 to Disk ID #N ), except to specifically show the step of generating an identification number as a function of a total number of tracks and a total playing time. However, the technique of identifying an optical disk based on the total number of tracks and a total playing time (these features are normally recorded on TOC of optical disc) is old and widely used in the optical recording art ( see DEBIQUE et al, US 2002/0184180 A1, paragraph [0030]). Therefore, one of ordinary skill in the art at the time of the invention was made would have been motivated to use the well known disk identifying as taught by DEBIQUE et al in LEE's optical disk player for playing information data as claimed.

As to claim 2, LEE shows the medium is compact disc ( column 1, lines 20-45 ).

As to claim 3, the feature of multiplying total playing time by a selected constant and adding the total number of recorded tracks is inherent in DEBIQUE et al since the selected constant number could be chosen as 1.

As to claim 5, the feature of activating a selected switch for reading or storing information data are old and widely used in the recording art (the user can activate any functions on CD changer/player by selecting a desirable switch).

Claim 6 add to claim 1 the feature of comparing the disk ID with previously disk ID, if they do not match then begin play the CD at its initial disk position address, which is shown in LEE's figure 6, steps 63 and 67.

As to claim 7, the selecting switch for the operation of identifying the disk and resuming to last-played position is inherent in LEE's optical disk player. Further, rejecting of disk is also inherent in every optical disk player ( It is noted that the disk player of LEE capable of detecting the ID of disk and returning the optical head to last-played position after an optical disk is reinserted into disk player, to reinsert the disk, the disk has to be previously ejected ).

As to claim 8, DEBIQUE et al shows generating identification number for CD as a function of data comprises mathematical function

of a total number of CD tracks and total CD playing time ( paragraph [0030] ).

Claim 9 is rejected with the same reason set forth in claim 3 above.

As to claim 10, it would have been obvious to modify the optical disc player of LEE by having disc information storage unit 24 as a non-volatile memory unit since the non-volatile memory unit (disk, disc, card, tape, etc., ) are old and widely used in the recording art.

As to claims 11 and 12 are rejected with the same reason set forth in claim 8 above.

Claim 13 is rejected with the same reason set forth in claim 3 above.

5) Claims 4 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6) Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The FAX phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**

October 19, 2006